

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JASON CANTRELL #397429,

Plaintiff, NO. 1:18-cv-1163

v HON. GORDON J. QUIST

MICHIGAN DEPARTMENT OF MAG. PHILLIP J. GREEN
CORRECTIONS, ANTHONY HEILIG,
and SCOTT ARP,

Defendants.

Exhibit B

Class I Misconduct Hearing Report (2pp)

Charge: Assault and Battery (2015)

Violation Date: August 19, 2017

Hearing Date: August 23, 2017

MICHIGAN DEPARTMENT OF CORRECTIONS
CLASS I MISCONDUCT HEARING REPORT

Prisoner 397429	Prisoner Name Cantrell	Facility Code IBC	Lock 8-27	Violation Date 08/19/2017
Charge(s) Assault and Battery (2015)		Plea <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty		
Misconduct Report Read to and Discussed with Prisoner <input checked="" type="checkbox"/> (check if applies) Hearing Investigation Read to and Discussed with Prisoner <input checked="" type="checkbox"/> (check if applies)		No Hearing Investigation Requested <input type="checkbox"/> (check if applies)		
EVIDENCE/STATEMENTS IN ADDITION TO MISCONDUCT REPORT				
<p>I began the hearing by viewing a video outside of prisoner's presence. The video shows four officers escorting prisoner on the wing. As prisoner and the officers step down the stairs, one of the officers loses his balance. After reaching the bottom of the stairs and the staff are escorting prisoner, one of the officers places his foot under prisoner, tripping him. Staff and prisoner go to the floor. The video and video statement are marked confidential for security purposes. Prisoner present. Video summarized. All documents are one page unless otherwise noted. Misconduct Report, Hearing Investigation Report, including prisoner's statement to the hearing investigator, Misconduct Sanction Screening Form, read to and discussed with prisoner.</p> <p>ORAL STATEMENT FROM PRISONER AT HEARING: I was going with the motion. I did not do anything wrong. I told prisoner the decision, sanction and dates prior to his leaving the hearing room.</p> <p>DUE PROCESS: It is noted that the reporter placed an incorrect prisoner number on the Misconduct Report. I find this to be harmless clerical error.</p>				
REASONS FOR FINDINGS				
<p>PD 03.03.105 defines assault and battery as an intentional, non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. Injury is not necessary but contact is. The reporter says that while he was escorting prisoner, prisoner pulled away at the top of the stairs, causing the reporter to lose his balance. Prisoner continued to tense his body and resist staff escort to gain control. Prisoner continued to resist while he was on the floor. The video shows the reporter lose his footing, but it is not clear that prisoner at any time tenses up. Prisoner's explanation of the event, that he was just going with the motion, also is consistent with the video. Three other staff members were present, but their statements were not submitted to determine the veracity of the reporter or of prisoner. Without such statements of verification, I am not convinced that prisoner physically resisted or interfered with an employee. In addition, the Misconduct Report and the video do not indicate that prisoner's action was a non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another.</p>				
PROPERTY DISPOSITION (for contraband see PD 04.07.112)				
FINDINGS				
Charge No. 1	<input checked="" type="checkbox"/> Guilty	<input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code <u>008</u>
Charge No. 2	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
Charge No. 3	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
Charge No. 4	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
DISPOSITION (select one or more) (Toplock & LOP Sanctions End at 6:00 am)				
Begins _____ Days of Detention _____ Days Top Lock _____ Days Loss of Privileges _____		Ends _____	Days Credit _____ Hours Extra Duty _____ \$ _____ Restitution _____	
Misconduct Hearing Report personally handed to Prisoner by Hearing Officer on this date: _____ (Check if Applies) <input type="checkbox"/>		Hearing Report given to Staff Member by Hearing Officer for Delivery to Prisoner this date: <u>8/23/2017</u> (Check if Applies) <input checked="" type="checkbox"/> Name of Staff Member <u>H Novak</u>		
Date of Hearing <u>08/23/2017</u> Hearing Officer's Name <u>S. Burke 053</u>		Hearing Officer's Signature <i>Jane C. Burke</i>		Date <u>8-23-17</u>

DISTRIBUTION Record Office, Central Office File, Prisoner, Counselor File, Hearing Investigator

MICHIGAN DEPARTMENT OF CORRECTIONS
MISCONDUCT REPORT

8-27

CSJ-228
10/10 4835-3228

8/29

Prisoner Number: 397428	Prisoner Name: Centrell	Facility Code: IBC	Lock: Z-246 B	Violation Date: 8-19-17
Time and Place of Violation: 2015 Housing Unit 2 B upper	Contraband Removal Record Provided to Prisoner? <input type="checkbox"/> Yes Date _____ <input type="checkbox"/> N/A			

Misconduct Class: I II III Charge(s): **Assault and Battery (STAFF Victim)**
 Describe Violation (If contraband involved, describe in detail; identify any other employee witnesses): While escorting Prisoner Centrell #397428 from Z-246 B to Housing unit B He pulled away at the top of the stairs causing me to lose my balance. Prisoner Centrell continued to tense his body and Resist our efforts to gain control. Prisoner Centrell was placed on the ground, given orders to Stop Resisting. Prisoner Centrell continued to Resist. We gained control of Prisoner Centrell and finished the escort to Housing Unit B. ID by State ID & H2 Count Board.

Reporting Staff Member's Name (Print) Heiling	Reporting Staff Member's Signature	Date and Time Written 8-19-17 2111
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REVIEW

Location/Verification/Condition of Evidence:

Elevated to Class I at review? If "yes", explain reason:
 No Yes

COMPLETE THIS SECTION ONLY FOR REVIEW OF CLASS I MISCONDUCT

Status Pending Hearing: Bond Segregation Confinement to Cell/Room Other
 Reason if Non-Bond: Non-Bond List Bond Revoked (must give reason)Date and Time Given this Status:
8-19-17 2120Who Notified In Housing Unit of Status:
SA JohnsonHearing Investigator Requested? No YesWitnesses Requested? No YesRelevant Documents Requested? No Yes

If yes, list:

Additional Comments:

Prisoner Waives 24 Hour Notice of Hearing? No Yes
 Hearing Date: **8-21-2017**Reviewing Officer's Name (Print)
L.T. S. Gilbert

Reviewing Officer's Signature

Review Date and Time

I have received a copy of this report. My signature does not necessarily mean that I agree with the report.
 Prisoner refused to sign. Copy given to prisoner.**L.T. S. Gilbert****8-19-17 2130**

Date

WAIVER OF CLASS II OR III HEARING

I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.

Prisoner's Signature

Date

SANCTIONS IMPOSED (Hearing Investigator enters begin and end dates for Class II misconducts)

Days Toplock	Begins: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)
Days Loss of Privileges	Begins: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)
Hours Extra Duty	Begins: _____	Ends: _____	

Property Disposition If Applicable: _____

Employee Accepting Plea and Imposing Sanction (Print)	Employee's Signature	Date
Hearing Investigator's Name (Print)	Hearing Investigator's Signature	Date